

12/04/01

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PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	ORA 100/102 CON
First Inventor	James Ronald Lawter
Title	FORMULATIONS FOR TREATING OR PREVENTING MUCOSITIS
Express Mail Label No.	EL 717 749 361 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
- ☐ Oath or Declaration [Total Pages]
 - ☐ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - ☒ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☒ Other: Check for \$406.00

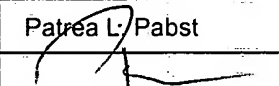
17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 661,836
Prior application information: Examiner Nguyen, H. Group / Art Unit: 1617

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		or	<input checked="" type="checkbox"/> Correspondence address below
Name	Patrea L. Pabst Holland & Knight LLP		
Address	2000 One Atlantic Center		
City	Atlanta	State	GA
Country	United States	Telephone	404-817-8473
		Zip Code	30309-3400
		Fax	404-817-8588

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature		Date	12/4/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 406.00)

Compleat if Known

Application Number	Continuation of 09/661,836
Filing Date	December 4, 2001
First Named Inventor	James Ronald Lawter
Examiner Name	
Group Art Unit	
Attorney Docket No.	ORA 100/102 CON

METHOD OF PAYMENT (check one)

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-1868

Deposit
Account
Name

Holland & Knight LLP

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status.
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	370.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ 370.00)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20 = 4	9.00	36.00
Independent Claims	3 -3 = 0		0
Multiple Dependent			

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 36.00)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times-number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	355		Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31.284	Telephone	404-817.8473
Signature		Date	12/4/01		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James Ronald Lawter and Stephen J. Comiskey

Serial No.: Continuation of 09/661,836

Express Mail Label
No. EL 639 985 041 US

Filed: December 4, 2001

Date of Deposit: December 4, 2001

For: FORMULATIONS FOR TREATING OR PREVENTING MUCOSITIS

Box Patent Application
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Formulations for Treating or Preventing Mucositis*". This application is a continuation of pending prior application Serial No. 09/661,836, filed September 14, 2000, entitled "*Formulations for Treating or Preventing Mucositis*", by James Ronald Lawter and Stephen J. Comiskey, which claims priority to U.S. Provisional Application Serial No. 60/153,892 filed September 14, 1999. The application includes 1 page of abstract, 16 pages of specification, 5 pages

Continuation of U.S.S.N. 09/661,836
Filed: December 4, 2001
**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 639 985 041 US
Date of Deposit: December 4, 2001

of claims, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/661,836.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/661,836, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/661,836.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Also enclosed from prior application Serial No. 09/661,836 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers executed by OraPharma, Inc.; (b) Statement Under 37 C.F.R. § 3.73(b) executed by OraPharma, Inc.; and (c) recorded Assignment from James Ronald Lawter and Stephen J. Comiskey to OraPharma, Inc.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Continuation of U.S.S.N. 09/661,836
Filed: December 4, 2001
**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 639 985 041 US
Date of Deposit: December 4, 2001

Enclosed is a check in the amount of \$406.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 3 independent claims and a total of 24 claims upon entry of the enclosed Preliminary Amendment.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:

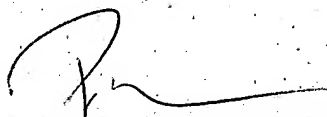
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on December 4, 2001, by mailing the application to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label

Continuation of U.S.S.N. 09/661,836
Filed: December 4, 2001
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 639 985 041 US
Date of Deposit: December 4, 2001

number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: December 4, 2001

HOLLAND & KNIGHT LLP
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Continuation of U.S.S.N. 09/661,836
Filed: December 4, 2001
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 639 985 041 US
Date of Deposit: December 4, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, December 4, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 639 985 041 US, addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.



Pam Turnbough

Date: December 4, 2001

ATL1 #494516 v1